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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,390	03/17/2004	Zion Azar	299/03782	3668
44909	7590	12/27/2007	EXAMINER	
PRTSI			AHMED, HASAN SYED	
P.O. Box 16446			ART UNIT	PAPER NUMBER
Arlington, VA 22215			1615	
			MAIL DATE	DELIVERY MODE
			12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/802,390	Applicant(s) AZAR ET AL.	
	Examiner Hasan S. Ahmed	Art Unit 1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt is acknowledged of applicants' remarks, which were filed on 4 October 2007.

* * * * *

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 remain rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,214,362 ("Page").

Page discloses an abrasive pad comprising:

- the abrasive surface of instant claims 1 and 7 (see col. 8, lines 47-67; col. 9, line 50 – col. 10, line 6; fig. 3C);
- the elastomer or sponge material backing of instant claims 1, 7, and 13 (see col. 11, line 65 – col. 12, line 7);
- the slits in the spongy material forming flaps for a finger hold or handle that is an integral part of the backing material of instant claims 1, 8, and 9 (see col. 13, lines 11-27; fig. 9A-9C);
- the sponge material of instant claims 2 and 13 (see col. 12, line 2);
- the separate ring of elastomer or sponge material surrounding the backing material to reduce contact between the edge of the abrasive

surface and a surface being abraded of instant claims 3 and 7 (see col. 12, line 63 – col. 13, line 10; fig. 8B);

- the sponge material ring (membrane) of instant claims 4 and 12 (see col. 9, line 50 – col. 10, line 6);
- the ring made of the same material as the backing, e.g. polyethylene, of instant claims 5 and 10 (see col. 9, line 50 – col. 10; col. 11, line 65 – col. 12, line 7); and
- the cylindrical shape of instant claim 6 and 11 (see fig. 9A-9C).

* * * * *

Response to Arguments

Applicants' arguments filed on 4 October have been fully considered but they are not persuasive.

1. Applicants argue that Page does not disclose an "abrasive" surface. See remarks, page 2.

Examiner respectfully submits that applicants provide no special definition of the term "abrasive" in the instant disclosure. The only explanation applicants provide for the term is at paragraph 0006, where it is discussed in broad terms as being "used to clean a person's skin or other surfaces."

Merriam-Webster Online Dictionary defines the term "abrasive" as "a substance used for abrading, smoothing, or polishing." See entry, attached.

Page explains that, "...low tension substances that can be preferentially removed from the skin with my cosmetic pads include skin oils...and the low tension ingredients of sunscreens..." See col. 8, lines 62-67.

Thus, affording the term "abrasive" its broadest reasonable interpretation, Page reads on the instant claims both according to the dictionary definition as well as according to applicants' own explanation. See MPEP § 2111 and 2123.

2. Applicants argue that the Page reference does not disclose the "ring" of instant claim 7. See remarks, page 3.

Instant claim 7 recites (in relevant part), "...a separate ring of elastomer or sponge material surrounding the backing material to reduce contact between the edge of the abrasive surface and a surface being abraded."

Figure 8B of Page shows a ring formed by a membrane which surrounds the backing material, "...such that there exists no potentially abrasive edge." See Page, col. 13, lines 3-4.

Thus, examiner respectfully submits that the Page reference anticipates the instant application, as claimed.

* * * * *

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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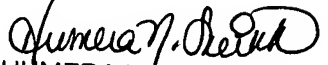
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hasan S. Ahmed whose telephone number is 571-272-4792. The examiner can normally be reached on 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


HUMERA N SHEIKH
PRIMARY EXAMINER